

1-1 By: Harris S.B. No. 1807
1-2 (In the Senate - Filed March 14, 2003; March 24, 2003, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 April 24, 2003, reported favorably by the following vote: Yeas 6,
1-5 Nays 0; April 24, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the establishment and adjudication of certain
1-9 parent-child relationships.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 160.204, Family Code, is amended to read
1-12 as follows:

1-13 Sec. 160.204. PRESUMPTION OF PATERNITY [~~IN CONTEXT OF~~
1-14 ~~MARRIAGE~~]. (a) A man is presumed to be the father of a child if:

1-15 (1) he is married to the mother of the child and the
1-16 child is born during the marriage;

1-17 (2) he is married to the mother of the child and the
1-18 child is born before the 301st day after the date the marriage is
1-19 terminated by death, annulment, declaration of invalidity, or
1-20 divorce;

1-21 (3) he married the mother of the child before the birth
1-22 of the child in apparent compliance with law, even if the attempted
1-23 marriage is or could be declared invalid, and the child is born
1-24 during the invalid marriage or before the 301st day after the date
1-25 the marriage is terminated by death, annulment, declaration of
1-26 invalidity, or divorce; [~~or~~]

1-27 (4) he married the mother of the child after the birth
1-28 of the child in apparent compliance with law, regardless of whether
1-29 the marriage is or could be declared invalid, he voluntarily
1-30 asserted his paternity of the child, and:

1-31 (A) the assertion is in a record filed with the
1-32 bureau of vital statistics;

1-33 (B) he is voluntarily named as the child's father
1-34 on the child's birth certificate; or

1-35 (C) he promised in a record to support the child
1-36 as his own; or

1-37 (5) during the first two years of the child's life, he
1-38 continuously resided in the household in which the child resided
1-39 and he represented to others that the child was his own.

1-40 (b) A presumption of paternity established under this
1-41 section may be rebutted only by an adjudication under Subchapter G.

1-42 SECTION 2. Section 160.301, Family Code, is amended to read
1-43 as follows:

1-44 Sec. 160.301. ACKNOWLEDGMENT OF PATERNITY. The mother of a
1-45 child and a man claiming to be the biological father of the child
1-46 [~~conceived as the result of sexual intercourse with the mother~~] may
1-47 sign an acknowledgment of paternity with the intent to establish
1-48 the man's paternity.

1-49 SECTION 3. Section 160.602, Family Code, is amended to read
1-50 as follows:

1-51 Sec. 160.602. STANDING TO MAINTAIN PROCEEDING.

1-52 (a) Subject to Subchapter D and Sections 160.607 and 160.609 and
1-53 except as provided by Subsection (b), a proceeding to adjudicate
1-54 parentage may be maintained by:

1-55 (1) the child;

1-56 (2) the mother of the child;

1-57 (3) a man whose paternity of the child is to be
1-58 adjudicated;

1-59 (4) the support enforcement agency or another
1-60 government agency authorized by other law;

1-61 (5) an authorized adoption agency or licensed
1-62 child-placing agency;

1-63 (6) a representative authorized by law to act for an
1-64 individual who would otherwise be entitled to maintain a proceeding

2-1 but who is deceased, is incapacitated, or is a minor; or

2-2 (7) a person related within the second degree by
2-3 consanguinity to the mother of the child, if the mother is deceased.

2-4 (b) After the date a child having no presumed, acknowledged,
2-5 or adjudicated father becomes an adult, a proceeding to adjudicate
2-6 the parentage of the adult child may only be maintained by the adult
2-7 child.

2-8 SECTION 4. Subsection (b), Section 160.607, Family Code, is
2-9 amended to read as follows:

2-10 (b) A proceeding seeking to disprove the father-child
2-11 relationship between a child and the child's presumed father may be
2-12 maintained at any time if the court determines that:

2-13 (1) the presumed father and the mother of the child did
2-14 not live together or engage in sexual intercourse with each other
2-15 during the probable time of conception; and

2-16 (2) the presumed father never represented to others
2-17 that [openly treated] the child was [as] his own.

2-18 SECTION 5. Section 160.608, Family Code, is amended by
2-19 amending Subsection (a) and adding Subsection (f) to read as
2-20 follows:

2-21 (a) In a proceeding to adjudicate parentage [~~under~~
2-22 ~~circumstances described by Section 160.607~~], a court may deny a
2-23 motion for an order for the genetic testing of the mother, the
2-24 child, and the presumed father if the court determines that:

2-25 (1) the conduct of the mother or the presumed father
2-26 estops that party from denying parentage; and

2-27 (2) it would be inequitable to disprove the
2-28 father-child relationship between the child and the presumed
2-29 father.

2-30 (f) This section applies to a proceeding to rescind or
2-31 challenge an acknowledgment of paternity or a denial of paternity
2-32 as provided by Section 160.309(d).

2-33 SECTION 6. The changes in law made by this Act apply only to
2-34 a suit affecting the parent-child relationship commenced on or
2-35 after the effective date of this Act. A suit affecting the
2-36 parent-child relationship commenced before the effective date of
2-37 this Act is governed by the law in effect on the date the suit was
2-38 commenced, and the former law is continued in effect for that
2-39 purpose.

2-40 SECTION 7. This Act takes effect September 1, 2003.

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